REMARKS/ARGUMENTS

Claims 1-12 are pending in the present application, of which claims 1 and 7 are independent. Claims 1-12 are hereby amended. No new matter has been added.

REJECTION UNDER 35 U.S.C. § 112, ¶2

On page 2 of the Office Action, sections 1-2 reject claims 1 and 7 under 35 U.S.C. § 112, second paragraph as allegedly indefinite. In particular, the Office Action alleges that a "small number of transit tones" is a relative term and that the specification does not provide a standard for this term. Applicant respectfully traverses this rejection for the reasons listed below.

As amended, claims 1 and 7 no longer recite a "small number of transit tones." Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 1 and 7 under 35 U.S.C. § 112, second paragraph.

REJECTION UNDER 35 U.S.C. § 102

On pages 2-4 of the Office Action, section 4 rejects claims 1-12 under 35 U.S.C. § 102(e) as allegedly anticipated by Published U.S. Patent Application No. 2006/0240786 to Liu (hereinafter "Liu"). Applicant respectfully traverses this rejection for the reasons listed below.

As amended, independent claims 1 and 7 now recite the following subject matter: "controlling the amplifier to reduce output signal distortion for data rates **higher than the desired data rate** but not for data rates below the desired data rate" (emphasis added). This subject matter finds support in the specification, for example, in lines 20-24 of page 2, a section that describes adaptive control of an RF power amplifier in view of a desired data rate. Applicant respectfully submits that Liu does not disclose, suggest, or teach this subject matter.

While Liu does disclose predistortion linearization, Applicant respectfully submits that Liu does not disclose, suggest, or teach the added subject matter of controlling an amplifier in different ways depending upon a comparison of current data rates to a desired data rate. Moreover, Liu lacks any disclosure regarding a desired data rate for an amplifier.

While the Office Action alleges that paragraph [0060] in Liu discloses both an error vector magnitude (EVM) and third-order output intercept point (OIP3), Applicant respectfully submits that Liu does not provide any teachings regarding EVM, OIP3, and data rate as claimed. Paragraph [0060] refers to nonlinear coefficients of the transconductance, not factors that vary depending upon a desired data rate. At most, as disclosed in paragraph [0063], Liu describes phase shift compensation. Thus, Applicant respectfully submits that independent claims 1 and 7 are allowable over Liu.

Claims 2-6 depend from independent claim 1 and claims 8-12 depend from independent claim 7. Thus, Applicant respectfully submits that claims 2-6 and 8-12 are allowable at least on the basis of their respective dependencies from allowable independent claims. Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 1-12 under 35 U.S.C. § 102(e).

CONCLUSION

In view of the remarks above, Applicant believes that each of the rejections/objections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Aaron Waxler, of NXP Corporation at (914) 860-4296.

In the event that the fees submitted prove to be insufficient in connection with the filing of this paper, please charge our Deposit Account Number 50-0578 and please credit any excess fees to such Deposit Account.

Respectfully submitted,

KRAMER & AMADO, P.C.

Date: November 14, 2008

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